

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Othel L. Cooksey Jr.,

Plaintiff,

v.

Case No. 1:07cv581

Bobby McElroy, *et al.*,

Judge Michael R. Barrett

Defendants.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on September 5, 2008 (Doc. 59).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. 636, this Court finds the Magistrate Judge's Report and Recommendation to be correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**;

1. Defendants' Motions to Dismiss the Amended Complaint (Docs. 35, 37, and 43) are **GRANTED**;

2. Defendants' motion to Strike (Doc. 40) is **GRANTED**;

3. Defendants' Motions to Dismiss (Doc. 22, 23, 27, 28, and 41) are **GRANTED**;

4. Defendant Pleasant Township Trustees' Motion for Judgment on the Pleadings (Doc. 45) is **GRANTED**;

5. Plaintiff's claims set forth in section XI is **DISMISSED**;
6. Plaintiff's Motions for Default Judgment (Doc. 48) is **DENIED**;
7. Plaintiff's Motions for Immediate Statutory Injunction and for Hearing (Docs. 30, 31, 32, and 47) are **DENIED**; and
8. Defendants' Motions for Sanctions under Rule 11 (Docs. 34 and 46) are **GRANTED**.

Defendants Scott T. Gusweiller, Pleasant Township Trustees, Brown County Sherrif, Office of Brown County Prosecutor, John Does, County of Brown, Brown County Commissioners, Alan Corbin, Thomas Zachman, State of Ohio, Ohio Department of Health, and the Justice Department are **TERMINATED** from this matter; remaining defendants are Bobby McElroy and Ricky McElroy.

IT IS SO ORDERED.

S/Michael R. Barrett
Michael R. Barrett, Judge
United States District Court